

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

In Re:

Bk No.: 6:19-bk-00878-CCJ

JAMES M. PARTAIN
CAROL PARTAIN

Chapter 13

Debtors _____ /

**OBJECTION TO MOTION FOR REFERRAL TO MORTGAGE
MODIFICATION MEDIATION**

Wells Fargo Bank, N.A., successor by merger to Wells Fargo Bank Southwest, N.A. formerly known as Wachovia Mortgage, FSB, formerly known as World Savings Bank, FSB (“Creditor”), through its undersigned counsel, files this Objection to Motion for Referral to Mortgage Modification Mediation (DE #20) and in support thereof avers as follows:

1. The Debtor filed for Chapter 13 relief on February 11, 2019.
2. The Debtor filed a Motion for Referral to Mortgage Modification Mediation with Creditor on May 22, 2019 (DE #20).
3. The servicing of the Debtors’ mortgage loan was transferred to Rushmore Loan Management Services, LLC on or about February 26, 2019. A copy of the goodbye letter is attached hereto as Exhibit “A”.
4. Creditor no longer services the Debtors’ mortgage loan and therefore cannot offer the Debtors a loan modification.
5. The Motion should be denied, as the Mediation cannot result in a loan modification because Creditor cannot approve a loan modification.

WHEREFORE, Creditor respectfully requests the Court deny the Motion for Referral to Mortgage Modification Mediation as to Wells Fargo Bank Southwest, N.A. formerly known as Wachovia Mortgage, FSB, formerly known as World Savings Bank, FSB, direct Debtors to file the Motion and serve Rushmore Loan Management Services, LLC and for such other relief as is just and proper.

Date: May 31, 2019

/s/ Stefan Beuge, Esquire
Stefan Beuge, Esq., Florida Bar No. 68234
Phelan Hallinan Diamond & Jones, PLLC
2001 NW 64th Street
Suite 100
Ft. Lauderdale, FL 33309
Tel: 954-462-7000 Ext. 56588
Fax: 954-462-7001
Email: stefan.beuge@phelanhallinan.com
FLMD.bankruptcy@phelanhallinan.com

PROOF OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, and any applicable exhibits attached thereto, has been served electronically, or routed for service by U.S.

Mail, to the following:

JAMES M. PARTAIN
PO BOX 421000
KISSIMMEE, FL 34742

CAROL PARTAIN
PO BOX 421000
KISSIMMEE, FL 34742

CHARLES W PRICE
PRICE LAW FIRM
400 MAITLAND AVENUE
ALTAMONTE SPRINGS, FL 32701

LAURIE K WEATHERFORD
POST OFFICE BOX 3450
WINTER PARK, FL 32790

UNITED STATES TRUSTEE - ORL7/13, 7
OFFICE OF THE UNITED STATES TRUSTEE
GEORGE C YOUNG FEDERAL BUILDING
400 WEST WASHINGTON STREET, SUITE 1100
ORLANDO, FL 32801

Date: June 4, 2019

/s/ Stefan Beuge, Esquire
Stefan Beuge, Esq., Florida Bar No. 68234
Phelan Hallinan Diamond & Jones, PLLC
2001 NW 64th Street
Suite 100
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Email: stefan.beuge@phelanhallinan.com
FLMD.bankruptcy@phelanhallinan.com

Exhibit “A”



February 5, 2019

JAMES MICHAEL PARTAIN
CAROL M PARTAIN
PO BOX 421000
KISSIMMEE, FL 34742

Account Information

Online: wells Fargo.com
Fax: 1-866-278-1179
Telephone: 1-866-234-8271
Correspondence: PO Box 10335
Des Moines, IA 50306

Hours of operation: Mon - Fri, 6 a.m. - 10 p.m.,
Sat, 8 a.m. - 2 p.m., CT

Loan number: [REDACTED]
Property address: 3163 Hanging Moss Ci
Kissimmee FL 34741

085

Subject: Transfer of the servicing of your mortgage loan

Dear James Michael Partain & Carol M Partain:

Effective February 26, 2019, the servicing of your mortgage loan is being transferred to Rushmore Loan Management Services, LLC. While the transfer of servicing is very common in today's mortgage industry, we recognize it often raises a number of questions.

Since you may have questions about this change, we're providing you with information to make this transition easier. Rest assured, this transfer does not affect any terms or conditions of your mortgage other than those directly related to the servicing of your loan, such as where you send your payments.

Important payment information

Beginning on February 26, 2019, Rushmore Loan Management Services, LLC will begin receiving payments on your mortgage loan and Wells Fargo Home Mortgage will no longer be accepting payments on this loan. Rushmore Loan Management Services, LLC will be sending you a letter that will include payment instructions and an updated loan number.

- **If you do not receive payment instructions from Rushmore Loan Management Services, LLC before your next payment is due**, please make your loan payments payable to Rushmore Loan Management Services, LLC, write your loan number on your check or money order and mail it to the following address:

Rushmore Loan Management Services, LLC
P.O. Box 514707
Los Angeles, CA 90051-4707

- **If your mortgage payments are automatically deducted from your bank account**, like through our *Preferred Payment Plan*SM service, this will be discontinued as of the transfer date. Please contact Rushmore Loan Management Services, LLC for information about their automatic mortgage payment programs.

- **If you are currently receiving payment assistance from a third party**, you will need to contact that party to notify them of the change in servicer.



Account Information

Loan number:

[REDACTED]

Property address: 3163 Hanging Moss Ct
Kissimmee FL 34741**□ If your payment is inadvertently sent to us after the transfer date, there are measures in place to help you.** For the first 60 days following the loan servicing transfer date:

• Payments received by Wells Fargo will be forwarded to the new servicer or returned to you requesting that you send it to the new servicer.

• A loan payment received by your old servicer on or before its due date may not be treated by the new servicer as late, and a late fee may not be imposed on you.

About HAMP financial counseling

If your mortgage is participating in the federal government's Home Affordable Modification ProgramSM (HAMP[®]) and you were offered financial education and counseling services, this transfer will **not** impact your participation or eligibility. If you have already scheduled counseling appointments, they will continue uninterrupted. If you would like to start participating in financial counseling, please contact us prior to the transfer date.

About Wells Fargo checking accounts

If you are a Wells Fargo consumer checking account customer, transfer of your Wells Fargo serviced mortgage loan may eliminate the ability to utilize the mortgage to help meet the criteria needed to waive the monthly service fee on your account and obtain additional benefits. To discuss the account options that are available to you, including converting your current consumer checking account to another Wells Fargo checking account, please visit a Wells Fargo branch near you. To meet with a banker at your convenience, you can go to **wellsfargo.com** and schedule an appointment. As always, you can call 1-800-869-3557 where experienced Wells Fargo bankers are available 24 hours a day, 7 days a week to assist you with all your financial needs.

About changes to your credit life insurance or other optional products

If you currently have credit life insurance or other optional product(s), these products will **not** transfer to Rushmore Loan Management Services, LLC. If you want to continue coverage, contact your insurance carrier or optional product carrier to arrange to pay them directly.

About year-end IRS reporting

You will receive a year-end IRS 1098 statement from us that will show the amount of reportable mortgage interest, mortgage insurance paid (if applicable) and any real estate taxes paid on your behalf by Wells Fargo Home Mortgage. We will mail this statement to you no later than January 31 next year.

Contact Information**□ Before February 26, 2019 - Wells Fargo Home Mortgage**

If you have any questions about your loan or this transfer before February 26, 2019, please contact us:

• Call a Wells Fargo Home Mortgage customer service representative toll free at the phone number listed in the account information section on page one.

• Or, you may send written inquiries to:

[REDACTED]

Account Information

Loan number: [REDACTED]

Property address: 3163 Hanging Moss Ci
Kissimmee FL 34741

Written Correspondence
P.O. Box 10335
Des Moines, IA 50306-0325

□ On and after February 26, 2019 - Rushmore Loan Management Services, LLC

Any questions you may have about your loan on or after February 26, 2019 should be directed to Rushmore Loan Management Services, LLC:

- i Call a Rushmore Loan Management Services, LLC customer service representative at 1-888-504-6700, Monday through Thursday, 6:00 a.m. - 7:00 p.m., Friday 6:00 a.m. - 6:00 p.m. Pacific Standard Time.
- i Send all correspondence on and after February 26, 2019 to the following address:

Rushmore Loan Management Services, LLC
15480 Laguna Canyon Rd., Suite 100
Irvine, CA 92618

Thank you.

Sincerely,



Jeff Molander
Senior Vice President
Wells Fargo Home Mortgage

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